

SUPPORTING STATEMENT

30 CFR Part 75, Subpart L – Fire Protection (Underground Coal Mines) contains the following mandatory safety standards:

30 CFR 75.1100-3: Condition and examination of fire fighting equipment.

30 CFR 75.1101-23: Program of instruction; location and use of fire fighting equipment; location of escapeways, exits and routes of travel; evacuation procedures; Fire drills.

30 CFR 75.1103-8: Automatic fire sensor and warning device systems; inspection and test requirements.

30 CFR 75.1103-11: Tests of fire hydrants and fire hose; record of tests.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Under 30 CFR 75.1100-3, chemical fire extinguishers must be examined every 6 months and the date of the examination recorded on a permanent tag attached to the extinguisher.

Under 30 CFR 75.1101-23(a), operators of underground coal mines are required to establish a program for the instruction of all miners in the proper fire fighting and evacuation procedures to be followed in event of an emergency. The program includes a specific fire fighting and evacuation plan designed to acquaint miners on all shifts with procedures for: (I) evacuation of all miners not required for fire fighting activities; (ii) rapid assembly and transportation of necessary people, fire suppression equipment, and rescue apparatus to the scene of the fire; and (iii) operation of the fire suppression equipment available in the mine. Programs are required to be submitted to the District Manager, in whose District the mine is located, for approval by MSHA. The approved program of instruction is required to be given to all miners annually and to newly employed miners within 6 months of employment.

Under 30 CFR 75.1101-23(c), an underground coal mine operator is required to conduct fire drills at intervals of not more than 90 days. The operator is required to certify by signature and date that fire drills were conducted in accordance with the approved program.

Under 30 CFR 75.1103-8, a qualified person must examine the automatic fire sensor and warning device systems on a weekly basis, and must conduct a functional test of the complete system at least once a year. The mine operator is required to maintain the records of the annual functional tests, and a record card of the weekly examination must be kept at each belt drive.

Under 30 CFR 75.1103-11, each fire hydrant and hose must be tested at least once a year, and the records of those tests shall be kept in an appropriate location.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The program required under 30 CFR 75.1101-23(a) is used by the operator to instruct all miners on specific fire fighting and evacuation procedures to follow in the event of a fire. Fire drills are conducted at least once every 90 days to ensure that miners are familiar with the elements of the program. Fire suppression equipment tests are conducted on a regular basis to ensure that all equipment is in working order and ready for use. MSHA uses the programs and the fire drill and fire fighting equipment certifications to determine whether a mine operator has adequate procedures and equipment to protect miners in the event of a fire.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

No improved information technology has been identified that would reduce the burden, however in order to comply with the Government Paperwork Elimination Act, miner operators may retain the records in whatever method they choose, which may include utilizing computer technology.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

Programs are individual and are specific according to the needs of each mine. If programs or fire drill records are required by States or other organizations, their application as a means of satisfying MSHA's requirements would be acceptable.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

The provisions of the Federal Mine Safety and health Act of 1977 (Mine Act) and MSHA regulations and standards apply to all operations because accidents, injuries and illnesses can occur at any mine regardless of size. Congress intended that the law be enforced at all mining operations regardless of size and that information collection and record keeping requirements be consistent with efficient and effective enforcement of the Act. S. Rep. 181, 95th Cong., 1st Sess. 28 (1977). However, Congress did recognize that small operations may face problems in complying with some of the provisions of the Mine Act. Section 103(e) of the Mine Act directs the Secretary of Labor not to impose an unreasonable burden on small businesses in obtaining any information required under the Mine Act. Accordingly, MSHA takes this into consideration when developing regulatory requirements, and when appropriate and consistent with assuring the health and safety of this nation's miners, different requirements for small and large mines exist. However, MSHA does not believe that providing separate and distinct fire fighting and evacuation programs for small mines would promote the Mine Act's objectives of ensuring that miners are able to quickly remove themselves from a mine in the event of a fire and that fires are extinguished as soon as possible. This information collection does not have a significant economic impact on small businesses or other small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Plans are developed upon commencement of a mining operation. Fire drills are required to be held at 90-day intervals and are to follow the procedures specified in the approved fire fighting and evacuation program. The 90-day requirement assures that in the event of a fire, everyone is familiar with the location and use of fire fighting equipment, location of escape-ways, and procedures to be followed for their particular work areas. Regular inspections of fire suppression equipment ensure that the equipment is operational and ready for use should a fire occur.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * requiring respondents to report information to the agency more often than quarterly;**
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- * requiring respondents to submit more than an original and two copies of any document;**
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- * requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

While there is no specific requirement that fire fighting and evacuation programs be kept for more than three years, underground coal mine operators are required to have such plans in place during the time their mines are actively operating. This collection of information is otherwise consistent with the guidelines in 5 CFR 1320.5, and does not contain any requirements for respondents to report more than quarterly.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years-even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

MSHA will publish the proposed information collection requirements in the Federal Register, notifying the public that these information collection requirements are being reviewed in accordance with the Paperwork Reduction act of 1995, and giving interested persons 60 days to submit comments.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

MSHA has made a decision not to provide payments or gifts to the respondents identified by this collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

There is no personal information requiring confidentiality.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or**

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paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

Under 30 CFR 75.1100-3, chemical fire extinguishers shall be examined every 6 months and the date of the examination recorded on a permanent tag attached to the extinguisher. MSHA records show that in 2001, there were approximately 921 mechanized mining units (MMU's) in operation, each requiring approximately 20 fire extinguishers. Based on data from the U.S. Coal Mine Salaries, Wages & Benefits – 2001 Survey Results, MSHA estimates that it takes a miner earning \$28.07 per hour, approximately 2 minutes (0.033 hour) to check each fire extinguisher and record the results on the tag.

Hour Burden:

$$\begin{aligned} & 36,840 \text{ (921 MMUs} \times 20 \text{ fire} \\ & \text{extinguishers/MMU} \times 2 \text{ exams/yr)} \\ & \times 0.033 \text{ hour/exam} \end{aligned} = 1,216 \text{ hours}$$

Hour Burden Cost:

$$1,216 \text{ hours} \times \$28.07 = \$34,133$$

Under 30 CFR 75.1101-23(a), there are approximately 893 underground coal mines, that are required to have an approved program for the instruction of all miners in the location and use of fire fighting equipment, location of escape-ways, exits, and routes of travel to the surface, and proper evacuation procedures to be followed in the even of an emergency. According to Coal Mine Safety and Health's Mine Plan Approval (MPA) Database, MSHA approved 151 new programs and 97 revised programs (total 248) in fiscal year 2001. While the programs vary according to the size and complexity of each individual mine, MSHA estimates that it takes an average of 30 minutes (0.5 hour) for a mine supervisor earning \$54.92 per hour to prepare a new or revised program.

Hour Burden:

$$\begin{aligned} & 248 \text{ (151 new and 97 revised) programs} \\ & \text{per year} \times 0.5 \text{ hour per program} \end{aligned} = 124 \text{ hours}$$

Hour Burden Cost:

$$124 \text{ hours} \times \$54.92 \text{ per hour} \times 1 = \$6,810$$

Under 30 CFR 75.1101-23(c), MSHA estimates that 893 underground coal mine operators will be expected to conduct an average of 4 fire drill certifications per year per shift, and that there are an average of 3 shifts per mine. MSHA also estimates that it takes a mine supervisor approximately 30 minutes (0.5 hour) to conduct the fire drills and complete the certification records.

Hour Burden:

$$\begin{aligned} & 893 \text{ mines} \times 4 \text{ fire drills} \times 3 \text{ shifts} \\ & \times 0.5 \text{ hour per certification} \end{aligned} = 5,358 \text{ hours}$$

Hour Burden Cost:

$$5,358 \text{ hours} \times \$54.92 \text{ per hour} \times 1 = \$294,261$$

Under 30 CFR 75.1103-8, automatic fire sensor and warning device systems must be inspected weekly, and a functional test of the complete system must be made annually. Records of the inspections and tests must be made by qualified persons and maintained by the mine operator. MSHA estimates that there are

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approximately 595 underground coal mines equipped with an average of 4 automatic fire sensor and warning device systems per mine (2/3 of underground mines). MSHA estimates that it takes a mine supervisor approximately 15 minutes (0.25 hours) to examine each system, and approximately 10 minutes (0.17 hour) to certify the weekly examination records.

Hour Burden:

(Weekly Examinations):

$$595 \text{ mines} \times 4 \text{ systems/mine} \times 52 \text{ weekly inspections} \times 0.25 \text{ hour/inspection} = 30,940 \text{ hours}$$

(Weekly Certification):

$$595 \text{ mines} \times 4 \text{ systems/mine} \times 52 \text{ weekly inspections} \times 0.17 \text{ hour/inspection} = 21,039 \text{ hours}$$

Hour Burden Cost:

$$51,979 \text{ hours} \times \$54.92/\text{hour} \times 1 = \$2,854,687$$

MSHA estimates that it takes a mine supervisor approximately 15 minutes to conduct the annual functional test of the automated fire sensor system.

Hour Burden (Annual Test):

$$595 \text{ mines} \times 4 \text{ system/mine} \times 0.25 \text{ hour/test} = 595 \text{ hours}$$

Hour burden Cost:

$$595 \text{ hours} \times \$54.92/\text{hour} = \$32,677$$

Under 30 CFR 75.1103-11, each fire hydrant must be tested by opening, and each hose must also be tested. Both tests are to be conducted annually and a record made of each test. MSHA estimates that there are approximately 595 underground coal mines that have an average of 30 fire hydrants per mine, and that it would take a mine supervisor approximately 30 minutes (0.5 hour) to conduct the tests and make a record of the results.

Hour Burden:

$$595 \text{ mines} \times 30 \text{ hydrants/per mine} \times 2 \text{ tests} \times 0.5 \text{ hour} = 17,850 \text{ hours}$$

Hour Burden Cost:

$$17850 \text{ hours} \times \$54.92/\text{hour}/1 = \$ 980,322$$

$$\begin{array}{rcl} \text{TOTAL BURDEN HOURS:} & = & 77,122 \\ \text{TOTAL BURDEN COSTS:} & = & \$4,202,890 \end{array}$$

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

. The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

. If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

. Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

MSHA estimates that the following additional annual costs are incurred:

$$\begin{array}{ll} 248 \text{ new or revised program per year} & \\ \times \$5 \text{ per program mailing cost} & = \$1,240 \end{array}$$

14. Provide estimates of annualized cost to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Under 30 CFR 75.1101-23(a), MSHA safety specialists (GS12/5) estimate that it would take approximately 20 minutes (0.33 hour) to review and approve an average fire fighting and evacuation program.

$$\begin{array}{ll} 248 \text{ new or revised programs} \times 0.33/\text{hours} & \\ \times \$27.97/\text{hr} & = \$2,294 \end{array}$$

Fire drill records and records of fire protection equipment examinations are examined during routine inspections. MSHA estimates that the time expended for reviewing these records is minimal and therefore no cost burden has been assigned.

TOTAL COST TO FEDERAL GOVERNMENT = \$2,294

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

Respondents: There has been a 382 decrease in Respondents (1,275 to 893). In the last report, the number of Respondents comprised the number of underground coal mines (1020) required to have an approved program for the instruction of all miners in the location and use of fire fighting equipment, location or escapeways, exits, and routes of travel plus the number of new programs of instruction (255) submitted to MSHA. MSHA feels that a more accurate count of respondents is only the number of underground coal mines required to have an approved program. That number now is 893.

Responses: There has been a 64,935 decrease in the number of Responses (398,339 to 333,404). As a result of the decrease in the number of underground coal mine, there is a decrease in the number of Mechanized Mining Units (MMUs) and number of programs of instruction.

Hours: There has been a 12,141 decrease in the number of hours (89,263 to 77,122). From the last report to this report, time has remained constant; therefore the change is a result of a decrease from 1,424 MMUs to 921 MMUs and a decrease in the number of programs.

Costs: There has been a decrease of \$1 (\$2 to \$1). Again, because there are less programs to mail in for MSHA approval, the cost has slightly decreased.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including the beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The results from the information gathered from this collection will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

MSHA has no forms associated with this collection of information on which to display an expiration date.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no certification exceptions identified with this information collection.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results. When Item 17 on the Form OMB 83-I is checked "Yes", the following documentation should be included in the Supporting Statement to the extent that it applies to the methods proposed:

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.
2. Describe the procedures for the collection of information including:
 - . Statistical methodology for stratification and sample selection,
 - . Estimation procedure,
 - . Degree of accuracy needed for the purpose described in the justification,
 - . Unusual problems requiring specialized sampling procedures, and
 - . Any use of periodic (less frequent than annual) data collection cycles to reduce burden.
3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses. For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.
4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of tests may be submitted for approval separately or in combination with the main collection of information.
5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other persons(s) who will actually collect and/or analyze the information for the agency.

The collection of this information does not employ statistical methods.